

MEMORANDUM FOR:

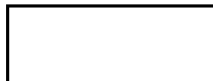
Director

Noted by DCI  
3/2/76

Executive Registry

76-1172/1

There is general agreement that, whatever happens to USIB, its Security Committee should be retained. We believe the Security Committee is the appropriate body for developing the expanded scope of the secrecy agreement. All the appropriate agencies are represented.



Richard Lehman

X Ref  
76-7013  
I.23.1

Date 2 March 1976

# EXECUTIVE SECRETARIAT

## Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	S/MC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/IC				
9	D/DCI/NIO				
10	GC				
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19	D. LEHMAN ✓				
20					
21					
22					
SUSPENSE		Date			

Remarks:

*All DCI's note to you*

Executive Secretary

*W. Lehman*  
CENTRAL INTELLIGENCE AGENCY

Rich

Don't we need a  
special group to  
promulgate rules  
and regs for  
govt employees  
handling classified

See par. 4

Executive Registry

76-1172

THE WHITE HOUSE  
WASHINGTON

February 24, 1976

TO: GEORGE BUSH

FROM: MIKE DUVAL

For your information \_\_\_\_\_

**Comments:**

Attached are two fact sheets on the "secrecy" issues -- one covers the President's proposed legislation; the other, the Executive Order.

FACT SHEET

Secrecy Protection in the Intelligence Community - Executive Order

The President's Executive Order on Foreign Intelligence Activities includes a requirement that secrecy agreements be signed by all persons in the Executive Branch who are given access to information containing sources or methods of intelligence. Contractors for the Executive Branch will also be required to sign such agreements. Signers of these secrecy agreements will agree not to disclose information containing sources and methods of intelligence to persons not authorized to receive it.

The secrecy agreement requirement in the Executive Order recognizes already existing practices in most of the Intelligence Community. CIA employees have for many years signed such agreements. Persons in other departments and agencies given access to sources or methods of intelligence information have also signed such agreements.

Information concerning sources or methods of intelligence is one of the most sensitive types of information within the government. Such information would include names of sources, descriptions of technical collection devices, and locations and capabilities of collection activities. Disclosure of such information to unauthorized persons would be extremely damaging to the Nation's intelligence efforts. Disclosures could destroy particular intelligence activities.

The secrecy agreements will serve several purposes. They will put employees given access to certain sensitive information on notice that they must treat it with caution. The agreements will also be a basis for departments and agencies to take disciplinary action against employees who violate the agreements. The agreement will also be a basis for the Attorney General to seek civil injunctions from the courts to prevent threatened disclosures of intelligence sources or methods information.

The President's Executive Order also gives authority to the Director of Central Intelligence to promulgate rules and regulations to expand the scope of secrecy agreements to sensitive types of information other than sources or methods of intelligence.

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## FACT SHEET

### Legislation to Protect Intelligence Sources and Methods

#### 1) The President's Proposal

In his Message to Congress on his intelligence plan, the President proposed legislation which would impose criminal and civil sanctions on Executive Branch employees (or contractors) who disclose to unauthorized persons classified information relating to intelligence sources and methods.

The President is responding to the recurring problem of unauthorized disclosures by proposing legislation narrowly confined to this particular highly sensitive type of classified information. The phrase "intelligence sources and methods" is a term of art which has a well understood meaning. It was first used in the National Security Act of 1947 where the Director of Central Intelligence was given the responsibility to protect such information. The term is specifically defined in the new legislation as information which has been lawfully classified and designated as concerning:

"(A) methods of collecting foreign intelligence;

(B) sources of foreign intelligence, whether human, technical, or other; or

(C) methods and techniques of analysis and evaluation of foreign intelligence."

This type of information would include names of human agents, descriptions of technical collection devices, and locations and capabilities of collection activities. Its disclosure could destroy particular intelligence activities.

#### 2) Safeguards

This bill contains several safeguards against abusing its sanctions to cover up illegal activities or unwise policy decisions. The most important is the fact that information on such actions would almost never relate to sources and methods of intelligence. Even if information on sources and methods is relevant to such actions, it can be separated out from the questionable action.

Other safeguards are contained in a section which bars prosecutions in any of the following situations:

- when the employee's agency had no procedure through which he could obtain review of the necessity for the classification of the information in question and its designation as "intelligence sources and methods".
- when the Attorney General and Director of Central Intelligence do not jointly certify to the court that the information was lawfully classified and designated.
- when the information had been placed in the public domain by the government.
- when the court finds that the information was not lawfully classified and designated as "sources and methods".

The bill does not apply to members of Congress or newsmen. It applies only to government employees and contractors. Whether it will apply to Congressional staff members will be determined by its legislative history.

### 3) Enforcement Provisions

For employees and contractors who disclose information relating to sources and methods to an unauthorized person, the bill provides a criminal penalty of a fine of \$5,000 or imprisonment for not more than five years, or both. Also, in cases where such unauthorized disclosure is about to occur, a court, upon application by the Attorney General, may issue an injunction prohibiting the disclosure.